

PTO/SB/21 (04-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/648,819
	Filing Date	August 25, 2003
	First Named Inventor	Peter Fiekowsky, et al
	Art Unit	1645
	Examiner Name	Edward Raymond
Total Number of Pages in This Submission	Attorney Docket Number	3057.1B

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment (8 pages) <input checked="" type="checkbox"/> Response to Office Action of August 25, 2004 and Request for Declaration of Interference (31 pages). <input checked="" type="checkbox"/> Interference Initial Memorandum <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition to Accept an Unintentionally Delayed Claim of Priority (3 pages). <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Copy of USSN 60/069,032 and 08/195,889. - Return Postcard.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

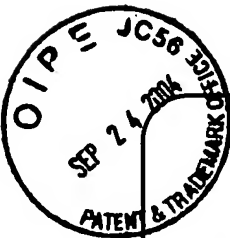
Firm or Individual name	Philip L. McGarrigle Reg. No. 31,395
Signature	
Date	September 24, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service via "Express Mail Post Office to Addressee" service in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. EXPRESS MAIL LABEL: EV 500851219 US.			
Typed or printed name	Pamela Leong		
Signature		Date	September 24, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1330

Complete if Known

Application Number	10/648,819
Filing Date	August 25, 2003
First Named Inventor	Peter Giekowsky, et al.
Examiner Name	Edward Raymond
Art Unit	1645
Attorney Docket No.	3057.1B

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number 01-0431

Deposit Account Name Affymetrix, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 9 -20 ** = 0 X Fee from below = 0
Independent Claims 3 -3 ** = 0 X Fee from below = 0
Multiple Dependent X Fee from below = 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) Acceptance of an unintentionally delayed claim for priority 1.17(t)

1330

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1330

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Philip L. McGarrigle	Registration No. (Attorney/Agent)	31,395	Telephone	408-731-5000
Signature		Date	September 24, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
PETER FIEKOWSKY et al) Examiner: Edward Raymond
)
Serial No. 10/648,819) Art Unit: 1645
)
Filed: August 25, 2003) Petition To Accept An Unintentionally
) Delayed Claim Of Priority
For: SCANNED IMAGE ALIGNMENT)
SYSTEMS AND METHODS)
_____)

MAIL STOP: PETITION
COMMISSIONER OF PATENTS
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 1.78(a)(3), Applicants respectfully request acceptance of an unintentionally delayed claim for priority under 35 U.S.C. § 120 of U.S. Patent Application No. 09/699,852, filed on October 30, 2000, which matured into U.S. Patent No. 6,741,344, which was pending at the time the present application was filed. The present application was filed on August 25, 2003, and U.S. Patent No. 6,741,344 issued on May 25, 2004.

Applicants are concurrently requesting the declaration of an interference between the above-identified application and two U.S. patents. In early September 2004, in the course of reviewing various applications that may contain disclosures relevant to the subject matter in the interference, it came to the Applicants' attention that the present application should also be

a continuation-in-part of U.S. Patent Application No. 09/699,852, now U.S. Patent No. 6,741,344, which is a continuation of U.S. Patent Application No. 08/823,824, now U.S. Patent No. 6,141,096, which is a continuation of U.S. Patent Application No. 08/195,889, now U.S. Patent No. 5,631,734, instead of only related to the applications as disclosed in the originally filed application. Applicants therefore immediately undertook action for filing this Petition to obtain the 35 U.S.C. § 120 benefit of U.S. Patent Application No. 09/699,852 and its parent applications.

None of the delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2) and the date the claim is being filed was intentional.

Applicants have acted with diligence since determining that a priority claim would be appropriate. Applicants made this determination and have taken immediate steps to prepare and file this petition.

Applicants are concurrently filing an Amendment Under 37 C.F.R. § 1.116 changing the specification to claim the benefit of then copending U.S. Patent Application No. 09/699,852 and its parent applications. Copy of the Amendment is enclosed.

A Fee Transmittal Form authorizing the surcharge under 37 C.F.R. § 1.17(t) in the amount of \$1,330.00 to Deposit Account 01-0431 is submitted by Applicants for the petition fee.

Authorization is hereby provided to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 01-0431.

Respectfully submitted,
AFFYMETRIX, INC.

Date: Sept. 24, 2004

By: Philip McGarrigle
Philip McGarrigle
Reg. No. 31,395

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